

Agricultural Committee  
Minutes Aug. 21, 2007 Draft

Present: Chuck Bolton, Melanie Gordon, Chris Hague, Ruth Jones, George Malette, David Trumble

Chairman Chuck Bolton called the meeting to order at 5:10 PM. Minutes of the August 7 meeting were accepted as amended.

Chris Hague handed out copies of the **Right to Farm** ordinance with amendments made after the August 7 discussion. Hague wanted to know what appears on the ballot in a case where the ordinance is very long, such as the Right to Farm is. She was told that generally Planning Board warrant articles are abbreviated, with the expanded copy available at the town office. George Malette said we write the full ordinance and the abbreviated summary.

Language used in prior years' articles was brought out as examples. Bolton said the language would probably ask, "Shall the voters adopt the provisions of RSA..." affirming what is in state statute about the right to farm. The committee spent much time discussing how the public would know the intention of the article if the language of the article is abbreviated. Pre-publicity was one way they discussed. The committee took a look at NH RSA 674:32-C section I and 672:1 III-b. Bolton noted they conflict with Weare zoning. Hague said we need to look at the zoning because it conflicts with our proposed Right to Farm Ordinance. She said language affirming the right to farm and soils maps are on the list of amendments that should be added to the Master Plan. Melanie Gordon said she had read the Master Plan and that it did not need a lot of changes because of the frequent references to what the committee is doing. George Malette said we can't add to the Master Plan without a forum. Hague said the maps and other information become an appendix.

Language in the proposed ordinance reads, "This ordinance shall apply to all areas within the town." The question that followed was whether the local ordinance or the state RSAs took precedence in a conflict. The committee looked at the statutes. Dave Trumble cited Section 3 of RSA 672. The special exception for farming mentioned is in the Weare zoning for commercial and residential areas but not industrial. Malette added that agriculture is allowed in zones if it meets Best Practices standards. Rather than try to revise the language of the draft ordinance the committee decided to change the third part to read, "This ordinance shall apply as defined by New Hampshire state statutes." All agreed the committee needed help with this. In the end, it should make it easier for farmers to carry out their activities, not create confusion.

Ruth Jones asked if we should remove the definitions in Part 2, which are also in state statute. Hague said the definitions listed are straight from the statutes to give examples, with legal citations below them. No decision to remove them was made but the topic will come up again.

Changes made to the disclosure section at the last meeting were accepted but the idea of disclosure generated a long discussion. Specifically, the committee wondered how a landowner not working with a realtor would know disclosure was necessary, and how realtors would handle disclosure, since nothing stated who in the town would work with buyers and sellers. The committee also wondered how the Selectmen could impose a fee if there was no sure means to enforce the use of a disclosure statement in land sales. Lawsuits against the town if agricultural activities bothered the buyer of the property came under discussion. Hague will ask the Local Government Center for assistance with these questions. She will also contact Ian McSweeney.

The committee decided it has enough to do and will let the Planning Board look at zoning with an eye for consistency with the proposed ordinance. Trumble assembled all relevant state statutes for the committee members, who then decided to include citations from statute in Part 1, along with the terms “farm friendly” and “right to farm.” The short form of the Right to Farm would read:

The purpose of this Right to Farm Ordinance is to affirm with emphasis the “traditional and fundamental uses of the land” for the practices of agriculture in the Town of Weare as referenced in the existing New Hampshire statutes. In keeping with the Master Plan goals this ordinance is hereby written to encourage and protect farms and farming in the Town of Weare.

Discussion will continue on the main article. Chris will try to find out (1) How do we handle the disclosure clause? (2) Can the violation sentence remain in the article? (3) Since there is a severability clause in the zoning regulations, does the article need one also? and (4) Should definitions be included in zoning ordinances?

Then discussion of the **Agriculture Commission** article was taken up. The sum of five members and five alternates was agreed upon, and the article will limit membership of those concurrently serving on the same other board or commission in town. That is to assure that the focus of the commission always stays on agriculture, and is not shifted to reflect the interests of some other board or commission. The wording for the appointment of the Heritage Commission article will be referenced.

Melanie Gordon has found a sponsor for the agriculture brochure. She said that Tami Pelletier Real Estate would make copies. The committee reviewed the brochure and agreed that it should also be reviewed by the Planning Board. Malette suggested that the word “contacted” be removed so that it reads “owners are encouraged to share their needs and wants as landowners and farmers.”

Other changes: Item 2 “The Agriculture Commission will write a warrant article to create a permanent Agriculture Committee.”

*Creating an Ag. Friendly Town* : “The Agriculture Commission will be a voice for agriculture.”

Add- “endorses the state’s *existing* Right to Farm law.”

“Limit the impact of new development.”

The suggestion was made to add names of the committee members. Some will include emails. All will include phone numbers.

The meeting adjourned at 6:55 PM. Next meeting: September 4 at 5 PM.

Respectfully submitted,

Christine Hague

*Note: The time and place of the next meeting will be posted. At the time of writing the location is under discussion.*

